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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/807,730 | 03/24/2004 | David W. Schneider | 14334 | 4426 |

7590 07/20/2007
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| EXAMINER |
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SPISICH, GEORGE D

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| ART UNIT | PAPER NUMBER |
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3616

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| MAIL DATE | DELIVERY MODE |
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07/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/807,730

Applicant(s)

SCHNEIDER, DAVID W.

Examiner

George D. Spisich

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) 8, 16, 18, 29, 37, 40, 47, 57 and 59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-14, 17, 20-24, 26-28, 31-35, 38, 39, 42-45, 48-55, 58, 60 and 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1-8,10-14,16-18,20-24,26-29,31-35,37-40,42-45,47-55,57-60,62.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17,20,22-24,26-28,31,34,35,58,60 and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 1 106 446 (cited in Applicant's IDS).

EP '446 discloses an airbag module for protect an occupant of a vehicle from impact, the airbag module comprising an inflator (8) that produces inflation gas in response to receipt of an activation signal (inherent), a cushion (5) positionable within an instrument panel of the vehicle to receive the inflation gas such that the cushion inflates to provide impact protection and a cover (3) extending along the periphery to conceal the cushion from the occupant, wherein the inflator is positioned to eject the inflation gas directly into an interior portion of the cushion, wherein the interior portion is separated from the cover only by single layer of a material of which the cushion is formed. The airbag cushion is within a housing and the inflator (in at least Fig. 2 and in Fig. 3) is broadly considered to be adjacent the housing as this term merely means near or in close (relative) proximal relation. It may also be interpreted that the inflator contacts the housing via the fill tube (7).

With respect to the orientations of a forward or rearward direction, Applicant has not defined these edges and related other structure such that the edges may not be renamed in other interpretations of the reference. For instance, the forward direction may be re-interpreted since the structure having the other interpretation is no longer claimed and the terms "forward" and "rearward" are typically defined by either in relation to the vehicle or the occupant (which is reverse).

The inflator and the cushion are both position proximate the periphery and the inflator is displaced from a center of the cushion primarily along a direction parallel to the periphery, and the inflator is positioned forward of the cushion (in at least Fig. 2). There is a housing (1, 1a) positionable to retain the inflator and the cushion (as Applicant's invention is similar retained), wherein the housing has a "generally" planar shape oriented "generally" parallel to the cushion.

The cushion comprises a plurality of folds displaced from the interior portion along a direction generally parallel to the periphery.

This arrangement has a "small thickness" (which is a broad term) perpendicular to a periphery of the instrument panel.

The inflator is "displaced" from a center of the cushion primarily along a direction parallel to the periphery.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 10, 12-14, 33, 48-52, 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1 106 446.

The airbag module of EP '446 has been discussed in the prior rejection. EP '446 has not disclosed the relative dimensions of the airbag, those being the thickness and the area of the cushion (when in the non-inflated state in the instrument panel).

Although the relative dimensions of the airbag in the non-inflated state, those being 150 sq. in., and a thickness of 2 inches, 1 inch, and ½ inch are consistent with the Figure of EP '446, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the airbag arrangement of EP '446 in the dimensions as claimed for optimizing occupant protection and space savings and since EP '446 shows a thin airbag which would teach the benefit of space savings in an instrument panel airbag arrangement.

The method of manufacture and the method of protecting an occupant would inherently be as Applicant has claimed.

Claims 11, 21, 32 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP '446 in view of Bauer (USPN 5,082,310).

EP '446 has been discussed in the prior rejection. However, EP '446 does not show a tear initiator member for aiding in the rupturing of the cover to allow for deployment of the airbag during inflation.

Bauer (see especially Figs. 9,10) discloses an airbag arrangement having a tear initiator that is movable (at least as it moves with the cover/door) and that is contacted by the airbag during inflation to increase the stresses on the cover to promote tearing/rupturing of the door.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the airbag arrangement of EP '446 by modifying the cover arrangement by providing a tear initiator between the cushion and the cover as taught by Bauer that is impacted by the cushion during inflation for promoting the rupturing of the cover.

Claims 38,39,42,44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1 106 446 in view Damman et al. (USPN 5,647,608).

EP '446 has been discussed in the prior rejection. Although it is considered that any airbag arrangement such as EP '446 would deform to some degree during impact of the occupant with the cushion as inflation gas pressure increases, Examiner is showing the concept with Damman et al.

Damman et al. discloses an airbag arrangement having a housing that deforms (see at least col. 5, lines 40-41) to absorb energy. This arrangement and mounting would inherently deform in an actuated condition and a non-actuated condition.

It would have been obvious that to one of ordinary skill in the art at the time the invention was made to provide a deforming housing in EP '446 as taught by Damman et al. do as to improve the impact protection for the occupant. Again Examiner points that the limitation "deform" would likely be a matter of degree, yet that would not prevent one deforming arrangement from not reading on the claim limitation that the housing deforms.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP '446 in view of Damman et al. as applied to claims 38,39,42,44 and 45 above, and further in view of Bauer (USPN 5,082,310).

EP' 446 in view of Damman et al. has been discussed in a prior rejection. However, neither reference disclose a tear initiator.

Bauer (see especially Figs. 9,10) discloses an airbag arrangement having a tear initiator that is movable (at least as it moves with the cover/door) and that is contacted by the airbag during inflation to increase the stresses on the cover to promote tearing/rupturing of the door.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the airbag arrangement of EP '446 in view of Damman et al. by modifying the cover arrangement by providing a tear initiator between the cushion and the cover as taught by Bauer that is impacted by the cushion during inflation for promoting the rupturing of the cover.

Response to Arguments

Applicant's arguments filed May 1, 2007 have been fully considered but they are not persuasive.

With respect to Applicant's argument that EP '446 does not show the added limitation "wherein the inflator contacts or is adjacent to the housing", Examiner disagrees and maintains the rejection. Examiner considers these limitations, especially the "adjacent to" limitation as being shown by EP '446, since this term merely means near. Also it is considered that the inflator is in contact (at least fluidly) with the housing since the tube (7) connects the inflator with the housing. Furthermore, Figure 3 of EP '446 shows an inflator in closer proximity with the housing having the cushion therein.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

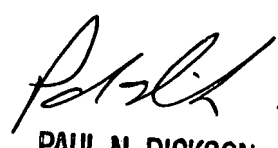
Art Unit: 3616

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich
July 16, 2007



PAUL N. DICKSON
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